

## **REMARKS**

### **(I) Introduction**

Claims 41-53, 96-108, and 152-164 were pending in this application.

Claims 41, 42, 44, 48, 50, 96, 97, 99, 103, 105, 152, 153, 155, 159, and 161 are rejected under 35 U. S. C. § 103(a) as being unpatentable over Schein et al. U.S. Patent No. 6,002,394 ("Schein") in view of Lawler et al. U.S. Patent No. 5,699,107 ("Lawler") and Watts et al. U.S. Patent No. 6,324,694 ("Watts"). Claims 46, 52, 101, 107, 157, and 163 are rejected under 35 U. S. C. § 103(a) as being unpatentable over Schein in view of Lawler, Watts, and Woo U.S. Patent No. 5,485,219 ("Woo"). Claims 47, 53, 102, 108, 158, and 164 are rejected under 35 U. S. C. § 103(a) as being unpatentable over Schein in view of Watts, Lawler, and Block et al. U.S. Patent No. 6,675,384 ("Block"). Finally, claims 43, 45, 49, 51, 98, 100, 104, 106, 154, 156, 160, and 162 are objected to as being dependent upon rejected base claims but are indicated as being otherwise allowable.

Applicants note with appreciation the indication of allowable subject matter in claims 43, 45, 49, 51, 98, 100, 104, 106, 154, 156, 160, and 162, and hereby expressly reserve the right to rewrite any one or more of those claims in independent form if its respective base claim is ultimately not allowed.

The Examiner's rejections and objection to the claims are respectfully traversed.

### **(II) The Claim Rejections**

Each of Applicants' independent claims 41, 96, and 152 requires a particular unique identifier associated with a particular television program which belongs to a program grouping. The particular unique identifier is distributed to user television equipment in a continuous data stream only when the particular television program is currently being broadcasted. When the unique identifier is detected in the continuous data stream, an interactive television program guide performs a real-time action associated with the particular television program, and also performs an action associated with at least one other television program belonging to the program grouping.

The Action concedes that Schein does not teach performing an action associated with at least one other program belonging to the program grouping when the unique identifier is detected

in a continuous data stream. However, the Action asserts that Lawler bridges this gap by the disclosure in Figure 8 and column 11, lines 40-67. (Office Action, page 7, lines 1-4.) The Action also asserts, alternatively, that Watts bridges this gap by the disclosure in Figure 2, column 7, lines 45-60. (Office Action, page 8, lines 6-9.) Applicants respectfully disagree.

The cited section of Lawler describes an options menu for allowing a user to set a reminder for a program. The options menu includes an "Every Week" or an "Every Day" button for setting reminders for program series that are broadcast at the same time every week or every day, respectively. (See Lawler, column 11, lines 54-67.) As described in Lawler, "[a]ctivation of the Every Week button ... causes the system to set a reminder for the selected program and for the program on that channel and time slot every week thereafter .... Activation of the Every Day button causes the system to set a reminder for the selected program and for the daily time and channel slot of the selected program." (Lawler, column 11, lines 54-67.)

Even assuming, *arguendo*, that this passage describes setting a reminder for programs in a program grouping, it does not teach or suggest that the reminder is set when a particular unique identifier is detected in the continuous data stream, as specified in claims 41, 96, and 152. Indeed, Lawler specifically states that the reminder is set in response to a user activating a button. The Examiner provides no basis for modifying the specific mechanism in Lawler so that a reminder is set based on detection of a unique identifier rather than in response to a user activating a button. Moreover, modifying Lawler to *set* a reminder only when a program is broadcast is functionally illogical because a reminder, by its nature, must be set before the program is broadcast. Therefore, the Examiner's assertion that Lawler bridges the deficiencies in Schein is unfounded.

Watts also fails to bridge the gap in Schein for similar reasons. Regarding Watts, the Examiner points to Figure 2 and column 7, lines 45-60. (Office Action, page 8, lines 4-9.) The cited section describes a "data structure storing multiple portions of subsidiary data ..., each including a portion identifier, multiple time periods and corresponding data pieces." (Watts, column 7, lines 45-50.) This section, however, does not describe performing an action associated with at least one other program in a program grouping when a particular identifier is detected in a continuous data stream. While the structure includes multiple portions of subsidiary data, each portion of data is associated with its own identifier, and Watts does not describe performing an action related to one portion in response to detecting an identifier for

another portion. Indeed, if one identifier could suffice for all the multiple portions of subsidiary data, there would be no need for the system in Watts to include a separate identifier for each portion in the multiple portions of subsidiary data. Moreover, there is no teaching or suggestion in Watts that the different portions of subsidiary data in the same data structure correspond to different programs in the same program grouping.

For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of independent claims 41, 96, and 152. Claims 42, 44, 46-48, 50, 52, 53, 97, 99, 101-103, 105, 107, 108, 153, 155, 157-159, 163, and 164, which depend from claims 41, 96, and 152, are also rejected under § 103 on the same erroneous basis. Applicants therefore respectfully request reconsideration and withdrawal of the rejection of these claims as well.

(III) Claim Objection

The Examiner objected to dependent claims 43, 45, 49, 51, 98, 100, 104, 106, 154, 156, 160, and 162 as being dependent upon rejected base claims. This objection is respectfully traversed. The objected-to claims depend from claims 41, 96, and 152 and add further elements thereto. Applicants therefore respectfully request reconsideration and withdrawal of the objection for at least the same reasons stated in support of claims 41, 96, and 152.

(IV) Conclusion

In view of the above amendment and remarks, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response other than as reflected on the enclosed Amendment Transmittal. However, if a fee is due, please charge our Deposit Account No. 06-1075, under Order No. 003597-0110 from which the undersigned is authorized to draw.

Dated: June 12, 2008

Respectfully submitted,

By Regina Sam  
Regina Sam

Limited Recognition No.: L0381  
ROPES & GRAY LLP  
Customer No. 75563  
Attorneys/Agents For Applicant